

REMARKS

This paper is filed in response to the Office Action mailed on January 14, 2004. Claims 353-373 and 422-483 are pending. Claims 353-373 and 422-483 have been examined and stand rejected.

Reconsideration of Claims 353-373 and 422-483 is respectfully requested.

The Rejection of Claims 422-423, 425-426, 461, 465, and 481 Under 35 U.S.C. § 102(a)

Claims 422-423, 425-426, 461, 465 and 481 are rejected under 35 U.S.C. § 102(a) as being anticipated by *The Wiley Encyclopedia of Packaging Technology*, 2d ed. (the Wiley reference). Applicant respectfully traverses the rejection for the following reasons.

It is noted that rejected Claim 422 recited transferring meat to packaging, and thereafter transferring the packaging to barrier containers. Accordingly, it is evident there are two separate "containers" being used in the claimed method: the container into which the meat is first transferred, i.e., the packaging, and the container into which the packaging is later transferred. Claim 422 has been amended to clarify the difference between "packaging" and the subsequent barrier "container",

As now amended, Claim 422 recites "transferring pieces of meat to individual packages; transferring the individual packages to a separate barrier container; introducing a blend of gases to the barrier container, wherein said gases include carbon monoxide; and sealing the barrier container to prevent the escape of gases therefrom."

For a reference to be anticipatory, the reference must exactly describe the claimed invention. "Every element and limitation of the claimed invention must be found in a single prior art reference, *arranged as in the claim*." *Brown v. 3M*, 60 U.S.P.Q.2d 1375, 1376 (Fed. Cir. 2001). "One seeking to invalidate a patent may not demonstrate invalidity of a claim simply by citing isolated steps in prior art that are not combined in the same fashion as the patent."

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*Chemical Separation Technology, Inc. v. United States*, 63 U.S.P.Q.2d 1114, 1115 (Fed. Cl. 2002); see also, *Crowell v. Baker Oil Tools, Inc.*, 68 U.S.P.Q. 385 (9th Cir. 1946). ("It is not enough that one finds in prior art similar steps here and there, since inventive genius consists in picking out and combining all steps or inventing new ones in a new combination.")

The Examiner states that the *Wiley* reference "teaches a method of packaging meat by obtaining meat primals, transferring them to foam packaging trays, transferring to barrier film containers, introducing gases including carbon monoxide, sealing the containers, reducing bacteria, removing oxygen, and storing the containers" (*Wiley* pages 651-654).

In the event that any of the individual steps are found in the *Wiley* reference, applicant respectfully submits that the Examiner will not be able find the claimed arrangement of steps, namely, the steps of transferring meat pieces to individual packaging, followed by transferring the individual packages to a barrier container, followed by introducing a blend of gases to the barrier container. The Examiner relies on four pages of the *Wiley* reference, without specifically stating where the arrangement of steps is described. Applicant cannot determine with any degree of certainty where the claimed arrangement of steps is found in the reference from the Examiner's comments in order to challenge the Examiner. Applicant has to assume that the Examiner is referring to the first four paragraphs of the left column of page 654, by the Examiner's explicit reference to "primals."

In this passage, the *Wiley* reference describes the vacuum packaging of meats in barrier films. The *Wiley* reference describes that the vacuum packaged meats are unpacked when they reach the store and placed in polystyrene foam trays, and then overwrapped with oxygen permeable films. In direct contrast to the *Wiley* reference, Claim 422 recites that pieces of meat are placed into individual packages, which are then placed into the barrier containers.

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Thereafter, the barrier containers are exposed to a blend of gases containing carbon monoxide, and thereafter the barrier containers are sealed.

While there may be other reasons why the *Wiley Encyclopedia* is not anticipatory, for at least the reasons discussed above, the *Wiley Encyclopedia* is not anticipatory of Claim 422. Because Claims 423, 425-426, 461, 465 and 481 depend directly or indirectly from Claim 422, these claims are also not anticipated.

Applicant further submits that the *Wiley Encyclopedia* does not teach, describe or remotely suggest or motivate one to make the claimed invention defined by Claims 422-423, 425-426, 461, 465 and 481. Accordingly, applicant respectfully requests the withdrawal of the rejection of Claims 422-423, 425-426, 461, 465 and 481.

The Rejection of Claims 430-432, 438-439, 457-460, 469-470 and 482-483

Under 35 U.S.C. § 103(a)

Claims 430-432, 438-439, 457-460, 469-470 and 482-483 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves et al. (U.S. Patent No. 4,171,164) in view of Inglis et al. (U.S. Patent No. 6,224,930). Applicant respectfully traverses the rejection.

Newly amended Claim 430 recites that a bacteria-reducing agent, i.e., carbon dioxide, and an amount of water is added to meat to advantageously replace water that evaporates from the meat during processing, thereby increasing the yield of meat product during processing.

The Examiner states that the Inglis et al. reference teaches a method of treating meat which includes determining the water content and adding the proper amount (Col. 4, line 10). The Examiner's understanding of the Inglis et al. reference's teachings is believed to be incorrect.

There is nothing to suggest or motivate one to add water with carbon dioxide to meat as claimed.

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Upon close examination of the Inglis et al. reference, one will come to understand that the Inglis et al. reference teaches against the addition of water with carbon dioxide to meat. The Inglis et al. reference describes the treatment of various perishable foodstuffs with a volatile substance entrained in a carrier gas. The passage of the Inglis et al. reference cited by the Examiner relates to the addition of water in cases where the transference rate for the volatile substance into the foodstuff will be low. The addition of water described by the Inglis et al. reference compensates for low water activity ( $A_w$ ) of a foodstuff, which means that the volatile substance will not be easily absorbed into the foodstuff. Applicant submits that meat does not have a low water activity ( $A_w$ ) to warrant the addition of water. Inglis et al. describes that:

Lower  $A_w$  foodstuffs may require longer exposure times without the addition of a small quantity of water, generally 1-2% by weight, based on the weight of the material to be treated, onto the surface. This additional water can be applied as a fine mist in the case of relatively impervious products such as peppercorns or by steaming in more difficult applications.

(Col. 3, line 63 to Col. 4, line 12.) What the Inglis et al. reference teaches is that the transference rate of a volatile substance can be increased by applying water to foodstuffs that do not have a high water activity. In cases where the foodstuff has a water activity of 0.95, the Inglis et al. reference teaches that the transference rate is near optimum, and consequently no water needs to be added (Col. 3, line 67 to Col. 4, line 2).

In Table 3, Inglis et al. describes that the water activity of ham is 0.95. Applicant submits that the water activity of meats would be substantially the same or about the same as ham. Therefore, the proper conclusion is that the Inglis et al. reference teaches *against* adding water to the meat with carbon dioxide. Furthermore, even if water were added to meat, the object of the Inglis et al. reference, in the end, is not to replace water that has evaporated from the meat as claimed, but rather to immediately eliminate the water to reduce acidulation. The

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Inglis et al. reference describes drying the low water activity foodstuff after treating with water. "If surface wetting is a technical requirement, then mild surface drying post-treatment will promote the volatilization of surface acids thereby reducing acidulation." (Col. 4, lines 13-15.)

Accordingly, for all the reasons described above, applicant respectfully requests withdrawal of the rejection of Claim 430. Because Claims 431 and 432 are dependent from Claim 430, these claims are allowable as well, if not also for the fact that the Groves et al. reference does not teach, describe or remotely suggest, either alone or in combination with the Inglis et al. reference, the invention defined by Claims 431 and 432.

Independent Claim 438 recites:

transferring a first stream of meat having at least one variable to a device capable of measuring at least one variable;

transferring a second stream of meat having at least one variable to a device capable of measuring at least one variable; and

combining the first and second streams of meat, wherein the first and second streams of meat have been in contact with a gas that has an oxygen content different from the oxygen content of air.

Independent Claim 439 recites:

transferring a first stream of meat having at least one variable to a device capable of measuring at least one variable;

transferring a second stream of meat having at least one variable to a device capable of measuring at least one variable; and

combining the first and second streams of meat, wherein combining takes place in the presence of a gas that has an oxygen content different from the oxygen content of air.

The Examiner states that:

it would have been obvious to one of ordinary skill in the art to incorporate the carbonic acid and packaging techniques of Inglis et al. into the invention of Groves et al. since both are directed to methods of processing meat, since Groves et al. used raw meat which often included

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bacteria, since Groves et al. would have required some means to package the blended raw meat, since the carbonic acid of Inglis et al. would have reduced the amount of bacteria without negatively impacting the taste of the meat, and since the packaging of Inglis et al. would have effectively preserved the meat of Groves et al.

For any claim to be obvious, there must first be a teaching or suggestion in the prior art or in the knowledge that is generally available, to combine or modify references and thus produce the claimed invention. There must be a reasonable expectation of success, and all of the elements in the claimed invention must be described in the prior art references. Applicant submits there is no suggestion or motivation to combine references. To the extent the references can be combined, all the elements are not present in the hypothetical combination.

Claim 438 recites "combining the first and second streams of meat, wherein the first and second streams of meat have been in contact with a gas that has an oxygen content different from the oxygen content of air." The act of contacting the streams of meat to a gas other than air provides advantages not apparent from the references. One such advantage is the absorption of a gas other than air into the meat that can result in the gradual outgassing from the meat and the prevention of absorption of oxygen into the meat in any further downstream processing of the meat.

The Groves et al. reference describes a fat analysis and meat-blending system open to ambient air throughout the entire processing area.

The Inglis et al. reference describes a method that treats a perishable foodstuff with a volatile substance. The method described by the Inglis et al. reference treats meat in an evacuation chamber or flow wrapping equipment. See Col. 2, lines 43-67. There is no teaching or suggestion to treat meat prior to combining streams, as claimed. This is evident from the language of the Inglis et al. reference that describes the method should be performed immediately before packaging and after all processing. Please see Col. 4, lines 25-31. Even if the method of the Inglis et al. reference were practiced in combination with the method of the

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Groves et al. reference, such hypothetical combination would still result in meat that is exposed throughout the grinding and blending steps, as practiced by the Groves et al. reference, and such prior exposure of the meat to air would mean that air and oxygen may have already caused detrimental effects that cannot be cured by the after-the-fact methods that are taught in the Inglis et al. reference. Such effects would have been avoided or greatly reduced by practicing the method as defined by Claim 438 that combines streams of meat after the meat has been in contact with a gas with a different oxygen content to that of air..

There is nothing to suggest or motivate one to treat meat with a gas other than air prior to combining two streams of meat. There are advantages to treating meat with a gas other than air prior to blending. Neither the Groves et al. reference that processes meat open to ambient air nor the Inglis et al. reference that only describes packaging in a low oxygen environment teach, describe or remotely suggest or motivate one to expose meat prior to combining to a gas with an oxygen content different to that of air.

Accordingly, for all the reasons discussed above, applicant respectfully requests the withdrawal of the rejection of Claim 438.

As distinguished from Claim 438, Claim 439 combines meat in the presence of a gas that has an oxygen content different from that of air. For the same reasons that Claim 438 is not obvious, Claim 439 is not obvious, either. Claim 439 like Claim 438 provides the advantages discussed above that are not apparent from either of the references. Such advantages would not be realized by any hypothetical combination of the references.

Accordingly, applicant respectfully requests the withdrawal of the rejection of Claim 439. Because Claims 457-460, 469, 470, 482 and 483 are dependent directly or indirectly from Claim 438 or 439, these claims are allowable, if not also for the fact that the Groves et al.

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reference does not describe, teach, or remotely suggest, either alone or in combination with Inglis et al., the invention defined by Claims 457-460, 469, 470, 482 and 483.

The Rejection of Claims 353-356, 358-360, 366-373, 427-428, 433-435, 437, 440-444, 447-452, 455-456, 462, 464, 466, 468, 471-475, 477 and 479-480 Under 35 U.S.C. § 103(a)

Claims 353-356, 358-360, 366-373, 427-428, 433-435, 437, 440-444, 447-452, 455-456, 462, 464, 466, 468, 471-475, 477 and 479-480 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves et al., in view of Inglis et al., and further in view of Goldsmith (U.S. Patent No. 5,306,466).

As now amended, Claim 353 recites "transferring a controlled amount of the first and second streams to a vessel having a gas, wherein the majority of the gas comprises carbon dioxide; and blending the first and second streams in the vessel to provide a blended stream of proportional fat content."

In direct contrast to Claim 353, the Groves et al. reference blends meat in air. There is no teaching or suggestion either in the Groves et al. or in the Inglis et al. reference to blend meat in a gas wherein the majority of the gas comprises carbon dioxide.

Claim 353 also recites that after blending the first and second streams, the blended stream is transferred into a barrier package from which the oxygen is removed and the package is thereafter sealed.

At most, the Inglis et al. reference describes treating meat in an evacuation chamber or in flow wrapping equipment utilizing a conveyor and/or exposure in a flow wrapping treatment tunnel. Any hypothetical combination of the Groves et al. reference with the Inglis et al. reference would result in a single treatment of meat, not in multiple applications as defined by Claim 353. There is no mention that prior to the evacuation chamber or treatment tunnel described by the Inglis et al. reference that the meat can be blended in carbon dioxide. Blending

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in carbon dioxide provides advantages not apparent from any of the references. As practiced by Groves et al., blending meat in air exposes large quantities of the surface area of meat to air that may be absorbed into the meat thereby causing the early stages of rancidity to begin. In direct contrast, the invention defined by Claim 353 blends the streams of meat in a vessel with carbon dioxide, thus reducing or eliminating the exposure of meat to air during the highly turbulent process of blending. There is no suggestion or motivation to carry out blending in carbon dioxide because Inglis et al. describe only treatment in an evacuation chamber or flow wrapping equipment, neither of which is suited for the purpose of blending meat. Therefore, the invention defined by Claim 353 advantageously leads to a longer shelf life of packaged meat.

Because Claims 354-356, 358, 359, 443, 444, 471 and 477 depend directly or indirectly from Claim 353, these claims are allowable, if not also for the fact that the Groves et al. reference does not teach, describe or remotely suggest, either alone or in combination with the Inglis et al. and Goldsmith references, the invention defined by Claims 353-356, 358, 359, 443, 444, 471 and 477.

Claim 360 recites:

360. A method for processing meat primals, comprising:  
obtaining meat primals having at least fat and water;  
reducing the bacteria on the meat primals;  
transferring the meat primals to containers;  
removing oxygen from the containers;  
sealing the containers;  
storing the containers;  
removing the primals from the containers and cutting the primals to provide primal portions;

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placing the primal portions into barrier packages;  
introducing a gas into the packages, wherein the majority of said gas comprises carbon dioxide;  
sealing the packages; and  
testing the meat for the presence of bacteria.

Neither the Groves et al., Inglis et al., nor Goldsmith references describe, teach or remotely suggest or motivate one to modify and/or combine any of the references to produce the embodiment of the invention that is defined by Claim 360. The Examiner has omitted to state where any of the references teach, describe or remotely suggest the treatment of primals. Specifically, as recited in Claim 360, the Examiner has not shown where the references teach or describe:

obtaining meat primals having at least fat and water;  
reducing the bacteria on the meat primals;  
transferring the meat primals to containers;  
removing oxygen from the containers;  
sealing the containers;  
storing the containers;  
removing the primals from the containers and cutting the primals to provide primal portions;  
placing the primal portions into barrier packages;  
introducing a gas into the packages, wherein the majority of said gas comprises carbon dioxide;  
sealing the packages; and  
testing the meat for the presence of bacteria.

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Accordingly, the withdrawal of the rejection of Claim 360 is respectfully requested. Because Claims 463 and 472 are dependent directly or indirectly from Claim 360, these claims are allowable if not also for the fact that the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references does not teach, describe or remotely suggest the invention defined by Claims 360, 463 and 472.

Claim 366 recites:

grinding meat to provide ground meat;

exposing the meat to a gas before or during grinding, wherein said gas inhibits bacterial growth before or during grinding, and wherein the majority of said gas comprises carbon dioxide;

transferring the ground meat to a web of barrier material;

sealing the web to enclose the ground meat in an atmosphere having an oxygen level lower than the oxygen level of air;

testing the ground meat for the presence of bacteria; and

applying indicia to the web, wherein the indicia include information related to the ground meat.

The Examiner is asked to note the recitation of exposing the meat to carbon dioxide before or during grinding. If there is nothing in the references to suggest or motivate one to blend meat in carbon dioxide, as has been discussed above in association with Claims 438 and 439, there is certainly nothing to suggest or motivate one to grind meat in carbon dioxide because grinding is taking place prior to blending. Grinding, like blending, as practiced by Groves takes place in air that causes detrimental effects that are not cured by the after-the-fact treatment methods described by the Inglis et al. reference. The claimed embodiment of the invention advantageously grinds meat in carbon dioxide, greatly reducing absorption of oxygen in favor of carbon dioxide that leads to outgassing and greatly diminishes any further absorption of oxygen. The Inglis et al. reference describes an evacuation chamber or flow wrapping

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equipment for treatment, neither of which is suitable for grinding meat. Any hypothetical combination of the Groves et al. reference with the Inglis et al. reference would not provide the advantages in the claimed embodiment of the invention defined by Claim 366.

Accordingly, for at least the reasons described above, the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claim 366; therefore, applicant respectfully requests withdrawal of the rejection of Claim 366.

Because Claims 367, 368, 427, 440, 451, 452, 464, 473 and 479 are dependent directly or indirectly from Claim 366, therefore, these claims are allowable, if not also for the fact that the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiments of the invention defined by Claims 367, 368, 427, 440, 451, 452, 464, 473 and 479.

Claim 369 recites:

harvesting meat portions from an animal, . . . treating the meat with an agent including water that inhibits the growth of bacteria; grouping the meat into classifications according to at least one variable . . . ; [and] combining quantities of meat according to at least one of the variable components . . . .

The Examiner will note that Claim 369 recites treating meat with an agent and water. The treatment of meat with an agent and water has been discussed above in association with Claim 430, and neither the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, describe this step. The Examiner will further notice that there is a step reciting grouping the meat into classifications according to at least one variable, thereafter followed by combining quantities of meat according to at least one variable. Thereafter, a portion from one classification may be combined with a portion from another classification to provide a meat product with a combined quantity of at least one variable. In direct contrast to

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Claim 369, the Groves et al. reference does not remotely teach or suggest grouping into classifications according to at least one variable, and thereafter combining quantities according to at least one variable. Neither Inglis et al. nor Goldsmith provides the requisite motivation or suggestion to produce the embodiment of Claim 369.

Accordingly, for at least the reasons described above, the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claim 369; therefore, applicant respectfully requests withdrawal of the rejection of Claim 369.

Because Claims 370-373, 441, 447, 448, 462 and 480 are dependent directly or indirectly from Claim 369, therefore, these claims are allowable, if not also for the fact that the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claims 370-373, 441, 447, 448, 462, 474 and 480.

Claim 428 recites:

harvesting meat comprised of several components having a variable relative ratio, including at least fat, muscle, and water, wherein the ratio of at least one component is determined; [and] grouping the meat into classifications according to at least one variable component; . . . .

Thereafter, the claim recites combining quantities of meat according to at least one of the variable components. As discussed above, the Groves et al., Inglis et al. and Goldsmith references do not provide any suggestion or motivation for grouping into classifications, and thereafter combining the meat.

Accordingly, for at least the reasons described above, the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claim 428; therefore, applicant respectfully requests withdrawal of the rejection of Claim 428.

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Because Claims 442, 449, 450, 466, 468 and 475 are dependent directly or indirectly from Claim 428, therefore, these claims are allowable, if not also for the fact that the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claims 442, 449, 450, 466, 468 and 475.

Claim 430 recites in part:

combining a first quantity of meat with a second quantity of meat, wherein at least one of said quantities of meat has been treated with a bacteria-reducing agent and an amount of water to provide a controlled amount of added water in the combined meat.

The rejection of Claim 430 has been discussed in a previous section, and Claim 430 is believed to be allowable.

Accordingly, for at least the reasons described above, the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claim 430; therefore, applicant respectfully requests withdrawal of the rejection of Claim 430.

Because Claims 433-435, 437, 455 and 456 are dependent directly or indirectly from Claim 430, therefore, these claims are allowable, if not also for the fact that the Groves et al. reference, either alone or in combination with the Inglis et al. and Goldsmith references, does not teach, describe or remotely suggest the embodiment of the invention defined by Claims 433-435, 437, 455 and 456.

While there may be other reasons why Claims 353-356, 358-360, 366-373, 427, 428, 433-435, 437, 440-444, 447-452, 455, 456, 462, 464, 466, 468, 471-475 and 479-480 are not obvious for at least the reasons discussed above, these claims are not obvious in view of the Groves et al. reference, either alone or in combination with Inglis et al. reference, and further in view of the Goldsmith reference. Accordingly, applicant requests the withdrawal of the rejection

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of Claims 353-356, 358-360, 366-373, 427, 428, 433-435, 437, 440-444, 447-452, 455, 456, 462, 464, 466, 468, 471-475, and 479-480.

The Rejection of Claim 357 Under 35 U.S.C. § 103(a)

Claim 357 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves et al. in view of Inglis et al. and Goldsmith, and further in view of *The Wiley Encyclopedia of Packaging Technology*. Applicant respectfully traverses the rejection.

Claim 357 is dependent from Claim 353, which is allowable. The reasons why there is no suggestion or motivation to combine or modify the cited and applied references are extensively discussed above. *The Wiley Encyclopedia* does not supply the missing motivation, suggestion or the elements that are lacking in the Groves et al., Inglis et al., and Goldsmith references. Accordingly, applicant respectfully requests the withdrawal of the rejection of Claim 357.

The Rejection of Claims 453 and 454 Under 35 U.S.C. § 103(a)

Claims 453 and 454 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wiley*. Applicant respectfully traverses the rejection.

Claims 453 and 454 are dependent from Claim 422. The reasons why Claim 422 is allowable over *Wiley* are discussed above. The *Wiley* reference does not describe, teach, or remotely suggest or motivate one to produce the invention defined by Claims 453 and 454. Accordingly, the withdrawal of the rejection of Claims 453 and 454 is respectfully requested.

The Rejection of Claims 360-365, 424, 445-446, 463 and 478 Under 35 U.S.C. § 103(a)

Claims 360-365, 424, 445-446, 463 and 478 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *The Wiley Encyclopedia of Packaging Technology*, 2d ed., in view of Goldsmith.

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The invention defined by Claim 360 recites removing the primals from the containers and cutting the primals to provide primal portions; placing the primal portions into barrier packages; introducing a gas into the packages, wherein the majority of said gas comprises carbon dioxide.

The Examiner states that the *Wiley* reference describes "removing the primals and cutting them into portions, placing them in barrier packages, introducing gas into the package, sealing the package, a high oxygen environment, and a low oxygen environment." (Page 654, first column.)

In fact, the *Wiley* reference describes:

When vacuum packaged meats reach the store they are unpacked, cut into appropriate consumer units and placed in polystyrene foam trays or PVC trays and overwrapped with oxygen permeable films. The ingress of oxygen causes the deoxymyoglobin to bloom into red oxymyoglobin.

In direct contrast to the *Wiley* reference, the invention defined by Claim 360 recites that the primal portions are placed into barrier packages, whereas the *Wiley* reference describes that the cut portions are placed in oxygen permeable films. Accordingly, the *Wiley* reference does not teach, describe, or remotely suggest the embodiment of the invention defined by Claim 360. Because Claims 361-365, 424, 445, 446, 463 and 478 depend directly or indirectly from Claim 360, these claims are allowable, if not also for the fact that the *Wiley* reference does not describe, teach or remotely suggest the invention defined by Claims 361-365, 424, 445, 446, 463 and 478.

The Rejection of Claims 429, 436, 467 and 476 Under 35 U.S.C. § 103(a)

Claims 429, 436, 467 and 476 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves et al. in view of Inglis et al. and Goldsmith, and further in view of Shaklai (U.S. Patent No. 6,270,829).

Claims 429, 467 and 476 are dependent from Claim 428. The Groves et al., Inglis et al., and Goldsmith references do not teach, describe, or remotely suggest the invention defined by

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Claim 428, Shaklai does not supply the missing requirements. Accordingly, Claims 429, 467 and 476 are allowable.

Claim 436 is dependent from Claim 430. Accordingly, Claim 436 is allowable.

#### INFORMATION DISCLOSURE STATEMENTS

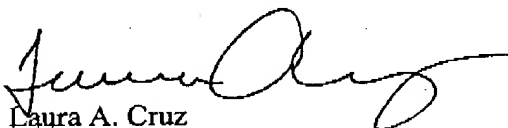
Applicant notes acknowledgment by the Examiner of the Information Disclosure Statements mailed on September 24, 2002 and December 22, 2003, have not been received. Accordingly, copies thereof are provided and consideration of the references therein is respectfully requested.

#### CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that Claims 353-373 and 422-483 are allowable. Early consideration and a Notice of Allowance are requested. If the Examiner has any further questions or comments, the Examiner is invited to contact the applicant's attorney at the number provided below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

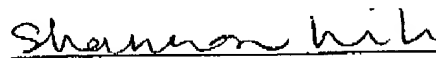


Laura A. Cruz  
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I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, at facsimile number 703.872.9306, to be delivered to Examiner Drew E. Becker in Group Art Unit 1761, on February 25, 2004.

Date:

2/25/04



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A.J.M. Garwood

Attorney Docket No.: CRSL115949

Application No.: 09/721,287

Group Art Unit: 1761

Filed: November 28, 2000

Title: PRODUCTS, METHODS AND APPARATUS FOR  
FRESH MEAT PROCESSING AND PACKAGING

COPY

SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Seattle, Washington 98101

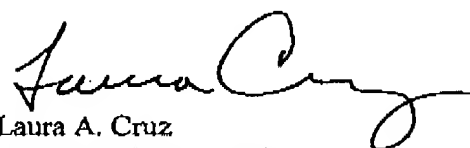
September 24, 2002

## TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

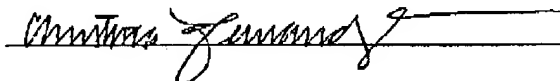
1. X A copy of the listed patent is enclosed for the Examiner's use.
2. X Pursuant to 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed within three months of the filing date of the national application (other than a CPA), within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, before the mailing date of a first Office Action on the merits, or before the mailing date of a first Office Action after the filing of an RCE.

Respectfully submitted,

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September 24, 2002

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INFORMATION CITED BY APPLICANT THAT MAY BE MATERIAL TO THE  
PROSECUTION OF THE SUBJECT APPLICATION

Applicant: A.J.M. Garwood Attorney Docket No. CRSL115949  
Application No.: 09/724,287 Group Art Unit: 1761  
Filed: November 28, 2000  
Title: PRODUCTS, METHODS AND APPARATUS FOR  
FRESH MEAT PROCESSING AND PACKAGING

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	Document No.	Kind Code	Date (mm/dd/yyyy)	Name
	U79	US 6,430,467	B1	08/06/2002	D'Amelio et al.

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Cite No.	Document No.	Kind Code	Publication Date (mm/dd/yyyy)	Country	English Abstract Provided	Translation Provided
None							

OTHER INFORMATION  
(Including Author, Title, Date, Pertinent Pages, Etc.)

*Examiner Initial	Cite No.
None	

Examiner	Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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File No.: CRSL-1-15949

Atty/Secy: LXC:cff

Date: 9/24/02

Appln. No.: 09/721,287

Filed: 11/28/00

Applicant(s): A.J.M Garwood

Title: PRODUCTS, METHODS AND APPARATUS FOR FRESH MEAT PROCESSING AND PACKAGING

The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon via first-class mail, with a signed Certificate of Mailing:

Information Disclosure Statement (1 page)

List of cited references (1 page)

1 reference



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anthony J.M. Garwood Attorney Docket No.: CRSL115949  
Application No.: 09/724,287 Group Art Unit: 1781  
Filed: November 28, 2000 Examiner: Drew E. Becker  
Title: PRODUCTS, METHODS AND APPARATUS FOR  
FRESH MEAT PROCESSING AND PACKAGING

COPY

12<sup>th</sup> SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Seattle, Washington 98101

## TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

1. X Copies of the listed patents and the European application are enclosed for the Examiner's use.
2. X Pursuant to 37 C.F.R. § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in 37 C.F.R. § 1.97(b) but before the mailing date of a final action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, and is accompanied by a certification statement as specified in 37 C.F.R. § 1.97(e)
3. X Pursuant to 37 C.F.R. § 1.704(d), this Information Disclosure Statement is accompanied by a statement that each item of information contained in this Information Disclosure statement was cited in a communication from a foreign patent office in a counterpart application. Such communication was received by an individual designated in 37 C.F.R. § 1.56(c) on December 3, 2003, which is not more than thirty days prior to the filing of this Information Disclosure Statement.

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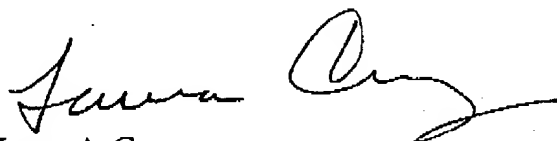
-1-

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4. X The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this document is enclosed.

Respectfully submitted,

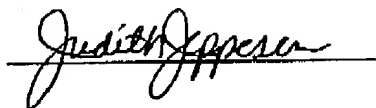
CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Laura A. Cruz  
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-2-

CRS1A1594916312.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anthony J.M. Garwood Attorney Docket No.: CRSL115949  
Application No.: 09/724,287 Group Art Unit: 1781  
Filed: November 28, 2000 Examiner: Drew E. Becker  
Title: PRODUCTS, METHODS AND APPARATUS FOR  
FRESH MEAT PROCESSING AND PACKAGING

CERTIFICATION STATEMENT UNDER 37 C.F.R. § 1.97(e) AND § 1.704(d)

Seattle, Washington 98101

TO THE COMMISSIONER FOR PATENTS:

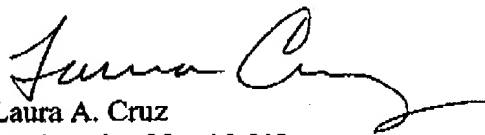
1. I, the person signing below, state that:

- a. X each item of information contained in the accompanying information disclosure statement was first cited in a (any) communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; and
- c. X each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.

2. I, the person signing below, am the attorney who prepared and is prosecuting the application, signing on the basis of the information in my file.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

  
Laura A. Cruz  
Registration No. 46,649  
Direct Dial No. 206.695.1725

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12<sup>th</sup> SUPPLEMENTAL INFORMATION CITED BY APPLICANT THAT MAY BE  
MATERIAL TO THE PROSECUTION OF THE SUBJECT APPLICATION

Applicant: Anthony J.M. Garwood Attorney Docket No. CRSL115949  
Application No.: 09/724,287 Group Art Unit: 1781  
Filed: November 28, 2000 Examiner: Drew E. Becker  
Title: PRODUCTS, METHODS AND APPARATUS FOR  
FRESH MEAT PROCESSING AND PACKAGING

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	Document No.	Kind Code	Date (mm/dd/yyyy)	Name
	U143	5,676,736	A	10/14/1997	Crozel
	U144	5,885,640	A	03/23/1999	Andersson

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Cite No.	Document No.	Kind Code	Publication Date (mm/dd/yyyy)	Country	English Abstract Provided	Translation Provided
	F36	EP 0 755 875	A1	01/29/1997	EP		

OTHER INFORMATION

(Including Author, Title, Date, Pertinent Pages, Etc.)

None

Examiner

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**Date: 12/22/03**

Filed: 11/28/00

Title: PRODUCTS, METHODS AND APPARATUS FOR FRESH MEAT PROCESSING AND PACKAGING

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Information Disclosure Statement (2 pages) in duplicate

List of cited references (1 page)

### 3 references

Statement Under 1.97(e) (1 page)

